

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MISSOURI  
3 EASTERN DIVISION  
4  
5 RUSSELL SCOTT FARIA, )  
6 Plaintiff, )  
7 vs. ) Case No. 4:16-CV-01175-JAR  
8 SERGEANT RYAN J. McCARRICK, )  
9 et al., )  
10 Defendants. )  
11  
12 VIDEO DEPOSITION OF MICHAEL CHRISTOPHER LANG  
13 Taken on behalf of the Plaintiff  
14 October 26, 2017  
15  
16  
17  
18  
19 Reported by: Christina A. LePage, CCR #1000  
20 COURT REPORTING ASSOCIATES  
21 P.O. Box 440014  
22 St. Louis, Missouri 63144  
23 (314) 961-6306  
24 (314) 265-4602  
25

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8 SERGEANT RYAN J. McCARRICK, )  
9 et al., )  
10 Defendants. )  
11  
12 VIDEO DEPOSITION OF MICHAEL CHRISTOPHER LANG, taken  
13 on behalf of the Plaintiff, on the 26th day of October,  
14 2017, between the hours of eight o'clock in the forenoon  
15 and six o'clock in the afternoon of that day, at the  
16 offices of Barklage, Brett & Hamill, 211 North Third  
17 Street, St. Charles County, before Christine A. LePage, a  
18 Registered Professional Reporter, Certified Court  
19 Reporter, and Notary Public.  
20  
21  
22  
23  
24  
25

COPY

1  
2 A P P E A R A N C E S  
3 The Plaintiff was represented by W. Bevis  
4 Schock, Esq., 7777 Bonhomme Avenue, Suite 1300, St. Louis,  
5 Missouri 63105, and Nathan T. Swanson, Esq., of the law  
6 firm of Rosenblum, Schwartz & Fry, 120 South Central  
7 Avenue, Suite 130, St. Louis, Missouri 63105.  
8 The Defendants McCARRICK, MERKEL, and HARNEY  
9 were represented by Rachel Bates, Esq., of the law firm of  
10 King, Krehbiel & Hellmich, LLC, 2000 South Hanley Road,  
11 St. Louis, Missouri 63144.  
12 The Defendant MERKEL was represented by J.C.  
13 Pleban, Esq., of the law firm of Pleban & Petruska Law,  
14 LLC, 2010 South Big Bend Boulevard, St. Louis, Missouri  
15 63117.  
16 The Defendant ASKEY was represented by  
17 Christopher L. Heigele, Esq., of the Law Offices of  
18 Coronado Katz, LLC, 14 West Third Street, Suite 200,  
19 Kansas City, Missouri 64105.  
20 The Defendant LINCOLN COUNTY was represented by  
21 John R. Hamill, III, Esq., of the law firm of Barklage,  
22 Brett & Hamill, P.C., 211 North Third Street, St. Charles,  
23 Missouri 63301.  
24 Also present was Leah Askey.  
25

1  
2 I N D E X  
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4 Page Line  
5 Direct Examination . . . . . 5 6  
6 Cross-Examination by Mr. Heigela . . . . . 19 1  
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Exhibit  
23

1 MICHAEL CHRISTOPHER LANG,  
2 of lawful age, having been first duly sworn to testify the  
3 truth, the whole truth, and nothing but the truth, deposes  
4 and says on behalf of the Plaintiff as follows:

5 DIRECT EXAMINATION

6 QUESTIONS BY MR. SCHOCK:

7 Q Mr. Lang, my name is Bevis Schock, I represent  
8 Russell Faria in a case, and you understand you're here  
9 for your deposition in that case; is that right?

10 A Yes, I do.

11 Q Would you please state your full name and spell  
12 it for the court reporter?

13 A Michael Christopher Lang, L-A-N-G.

14 Q And it is now our practice to have everyone  
15 announce their appearance.

16 MR. SWANSON: Nathan Swanson for plaintiff.

17 MS. BATES: Rachel Bates for Defendants Merkel,  
18 Harney, and McCarrick.

19 MR. PLEBAN: J.C. Pleban for Merkel.

20 MR. HEIGELE: Chris Heigele for Prosecutor  
21 Askey.

22 MR. HAMILL: John Hamill for Lincoln County.

23 Q (by Mr. Schock) Mr. Lang, what is your current  
24 occupation?  
25

1 A I am currently the undersheriff and -- of  
2 Lincoln County Sheriff's Office, and I also run the  
3 Lincoln County Drug Task Force.  
4 Q And how long have you -- Are you a licensed  
5 police officer?  
6 A Yes, I am.  
7 Q How long have you had that position?  
8 A Twenty-one years.  
9 Q And has your license ever been disciplined?  
10 A No, sir.  
11 Q What was your occupation in December of 2011  
12 when this murder happened?  
13 A I was a captain, I was in charge of the criminal  
14 investigation division.  
15 Q A captain in Lincoln County?  
16 A Yes, sir.  
17 Q And was that in the days of -- when Mr. Michael  
18 Krigbaum was the sheriff?  
19 A I believe he was, yes.  
20 Q And tell me what your duties were in that  
21 position.  
22 A Managing the day-to-day operations of the  
23 criminal investigations division, keeping track of the  
24 investigators, the investigations they were conducting,  
25 things of that nature, managing a budget.

1 Q Did you have any special training in how to  
2 conduct an investigation?  
3 A Yes, sir.  
4 Q Tell me about your training, please.  
5 A It's been a multitude of training, it would be  
6 very difficult for me to sit here and break it down, you'd  
7 fall a lot farther behind, but I've had many years of  
8 different trainings about investigations, interrogations,  
9 you know, things of that nature.

10 Q I understand. And you consider -- you feel that  
11 in 2011 you were an experienced and knowledgeable  
12 investigator with professionalism in your field?

13 A Yes, sir.

14 Q Do you remember the events surrounding the --  
15 and particularly your role in the events surrounding the  
16 murder of Betsy Faria?

17 A I recall my role, yes.

18 Q And how did it first come to your attention that  
19 there was going to be some kind of investigation, there  
20 was something going on?

21 A I couldn't tell you. I don't remember if it was  
22 a phone call or if I was at the office, I have no idea  
23 where I was when I was notified.

24 Q Now, this was a Major Case Squad call-out; is  
25 that your understanding?

1 A Yes, sir.  
2 Q Did you have, in your capacity in Lincoln  
3 County, anything to do with the decision to call out the  
4 Major Case Squad?  
5 A No, sir.  
6 Q Whose decision was that?  
7 A It's ultimately the sheriff's decision.  
8 Q When you say ultimately, that makes me think  
9 that maybe there's a consensus process or discussion.  
10 A No, I mean, obviously if I were there and I saw  
11 something I could say something, anybody could say  
12 something, even a patrolman that was there, it doesn't  
13 matter what your position or rank is, anybody can say to  
14 the sheriff, "I believe this might be something we need  
15 to -- more resources on, and we could call in the Major  
16 Case Squad," but it's ultimately his decision.  
17 Q Do you believe it was a good decision in this  
18 case?  
19 A Yes.  
20 Q Were you a member of the Major Case Squad at  
21 that time?  
22 A Yes.  
23 Q So is it a fair statement that commonly in a  
24 murder investigation in the jurisdiction of Lincoln County  
25 that the Lincoln County sheriff and the people who work

1 For him would be involved as well as the Major Case Squad?

2 A Some of the people, yes.

3 Q And so is it a fair statement that you somewhat

4 played a dual role, you were part of the sheriff's

5 department in the jurisdiction where it happened and you

6 were also on the Major Case Squad?

7 A No.

8 Q Explain that to me.

9 A Once the Major Case Squad is activated, if

10 you're assigned to that call-out, you're no longer a

11 member of your department, you're detached and you're

12 functioning as a member of the Major Case Squad.

13 Q I understand. And was that your status at that

14 time?

15 A Yes.

16 Q How long had you been on the Major Case Squad at

17 that time?

18 A Probably near seven years.

19 Q And how many call-outs a year do you think you'd

20 been on?

21 A One or two, and then I'm sure there were a few

22 years where there were none.

23 Q So you do remember that you then received the

24 call-out in this case, so your initial work was as a

25 member of the Major Case Squad, not as a member of the

9

1 Lincoln County Sheriff's Department; do I understand that

2 to be your testimony?

3 A As far as I remember, yes, sir.

4 Q Okay. And do you remember when you first

5 arrived at the headquarters of Lincoln County Sheriff's?

6 A No, sir.

7 Q Do you know whether it was at night still of the

8 murder or whether we're into the next day?

9 A I really don't recall.

10 Q Do you remember what your first assignment was?

11 You get assigned leads, right?

12 A Yes, sir.

13 Q Do you remember what your first assigned lead

14 was?

15 A I only had two leads in the entire thing.

16 Q Okay.

17 A And I believe my first lead was trying to

18 ascertain if Betsy Faria had any life insurance policies.

19 Q So you worked on the insurance issue?

20 A Yes, sir.

21 Q Okay. Tell me how you got that lead.

22 A It was Schimweg, I'm trying to remember his

23 first name.

24 Q Maybe Mark?

25 A Yes, Mark Schimweg, he was the commander, and he

10

1 was the one who assigns the leads to us.

2 Q Was Mr. McCarrick involved in assigning leads?

3 A He was involved as far as recording them.

4 Q What do you mean by that?

5 A I mean, he had to keep a record of who had which

6 leads, but I don't believe he was the one who actually

7 determined who was going to get what lead.

8 Q So Mr. Schimweg, you think, assigned you that

9 lead?

10 A Yes, sir.

11 Q Tell me what you did to investigate the

12 insurance policies.

13 A I contacted Larry Liggett of the National

14 Insurance Crime Bureau and asked him if he had any way

15 that he could look for this and let me know if anything

16 existed, and he said he didn't have a way to do that, and

17 he referred me to another company, if I had the lead in

18 front of me I could tell you what it was, but it was

19 someplace I'd never heard of before, but they couldn't

20 help me either, but they referred me to yet another place,

21 and that place said they were a clearinghouse for

22 insurance companies that would code you for certain things

23 according to your health, but they don't have any central

24 clearinghouse to just -- if I wanted to call and ask if,

25 for instance, if you had any, I couldn't call one place

11

1 and ask, the only thing they could do is say this

2 insurance company has inquired about his medical codes

3 from the past, and therefore maybe that would give us a

4 lead about her having insurance.

5 Q Okay. So you got that, some of that

6 information?

7 A No, sir, I made contact with that company, they

8 told me that this is what they could tell us, and I was

9 told to record that and turn it in, and that's what I did.

10 Q Oh, so did you do anything else regarding her

11 insurance policies?

12 A No, sir.

13 Q Did you ever talk to Russ Faria about the

14 insurance policies?

15 A No, sir.

16 Q Did you talk to Pamela Hupp about the insurance

17 policies?

18 A No, sir.

19 Q Did you have any knowledge of what companies had

20 issued life insurance policies?

21 A No, sir.

22 Q So would you call that almost a zero?

23 A Yes.

24 Q Okay. What was the other lead you had?

25 A I was assigned a lead to reinterview Mike

12

1 Quattroocchi, I believe he was a lead medic the night of  
 2 the homicide. Stephanie Kaiser, I believe, assisted me  
 3 with that.  
 4 Q And did you, in fact, do that?  
 5 A Yes.  
 6 Q And do you remember as you sit here now that  
 7 conversation?  
 8 A Yes.  
 9 Q And do you remember what the topic was about  
 10 which you discussed the murder, what was the part of the  
 11 story he was involved in?  
 12 A The reason that I was sent to reinterview him  
 13 was I wanted to see if there was any way that he was going  
 14 to change his story or if he was good with the way that he  
 15 reported his story from when he discovered the body.  
 16 Q And are you talking about the condition of the  
 17 body?  
 18 A Yes, sir.  
 19 Q What aspects of the condition of the body?  
 20 A The temperature and the rigidity.  
 21 Q And how about the condition of the blood?  
 22 A That wasn't what I was told to ask, I was told  
 23 to ask about the others, but I believe he did mention  
 24 something about the blood.  
 25 Q So what did he say about the rigidity?

13

1 A He characterized it generally, it was like it  
 2 was fairly firm or it was moderately firm, I can't recall  
 3 which, but he found a spot somewhere along his forearm  
 4 and --  
 5 Q You mean her forearm?  
 6 A No, he found a spot on his own forearm as I was  
 7 talking to him and then said, "Oh, it feels like this,"  
 8 and just pushed on a part of his forearm. So that was the  
 9 best description I could get from him.  
 10 Q Did he make a fist when he did that?  
 11 A Yes, sir.  
 12 Q So was the idea to convey to you that her body  
 13 had the stiffness that his body had when he made a fist  
 14 and made a muscle in his arm?  
 15 A I can only speculate that's what he meant, yes.  
 16 Q Was that what you understood what he meant?  
 17 A That's what I took it as, yes.  
 18 Q And how about the temperature?  
 19 A He said she was cold to the touch. And I do  
 20 remember asking him, "Did you have a glove on? Did you  
 21 not?" He said he did. I asked him then was she cool or  
 22 was she cold, and he chose cold.  
 23 Q And did you write a report about that?  
 24 A Yes, I did.  
 25 Q And do you know why you were assigned that lead?

14

1 A No, sir.  
 2 Q When you were -- And is that all you did?  
 3 A That was it.  
 4 Q Okay. And oftentimes in these Major Case Squads  
 5 people get assigned quite a few leads. Do you know why  
 6 you only had two?  
 7 A I was trying to keep a low profile because I was  
 8 just about to be detached to the DEA and I didn't want to  
 9 get tied up with a bunch of subpoenas, to be quite honest,  
 10 so I was trying --  
 11 Q That went right in your --  
 12 A Yeah, sure did. I was trying to fly under the  
 13 radar as much as I could.  
 14 Q I understand. Did you attend many briefings of  
 15 the Major Case Squad over the call-out? Let me restate  
 16 that. Did you attend any briefings?  
 17 A I'm sure I did, yes.  
 18 Q Do you remember who was present at those  
 19 briefings?  
 20 A I couldn't name, but generally we have two a day  
 21 if we can, one in the morning and one towards the end of  
 22 the day where everybody's going to go home, whatever time  
 23 that is, and we try to get as many of the people in there  
 24 as we can, but that's not always practical.  
 25 Q Is the idea of the briefing that people will

15

1 report orally on what they had discovered in their leads  
 2 and then there would be a discussion about the meaning and  
 3 interpretation of the information?  
 4 A Sometimes. Other times it's just so that the  
 5 commander can brief everybody as to what he has learned  
 6 and bring everybody up to speed so they have an  
 7 understanding of what all he has gotten from everybody's  
 8 leads.  
 9 Q Do you remember which way it was done in this  
 10 case?  
 11 A I remember Schimweg giving us instructions on  
 12 what he had gotten from everybody.  
 13 Q Did he encourage open discussion among the  
 14 people who were working on the case?  
 15 A I don't remember if he did.  
 16 Q You don't remember either way?  
 17 A No, sir.  
 18 Q Did you -- Do you remember whether you said  
 19 anything in this case about your opinions of what was  
 20 going on, any interpretive type remarks?  
 21 A I don't remember saying anything, and I can tell  
 22 you I probably would have not, like I said, I was trying  
 23 to keep a low profile.  
 24 Q Did you report on your own leads?  
 25 A Yes, sir.

16

1 Q Now, there was some -- let me just check one  
2 here, one second. Do you remember if you worked at all on  
3 Russ Faria's phone, does that ring a bell to you?  
4 A I do not remember working on any phones.  
5 Q Can we just go off the record one second, sir?  
6 I want to ask Nathan a question here.  
7 A Sure.  
8 (Discussion was held off the record.)  
9 Q (by Mr. Schock) Mr. Lang, you testified at the  
10 first trial, right?  
11 A Yes, sir.  
12 Q Do you remember anything about being the TOG  
13 officer, T-O-G; does that ring a bell to you?  
14 A I was a TOG officer. I was not assigned as a  
15 TOG officer on this case.  
16 Q Did you work on Cellebrite in this case?  
17 A I don't believe working on any phones in this  
18 case.  
19 Q Do you remember testifying about phones in this  
20 case?  
21 A Yes, I do.  
22 Q Okay. So was it more in general than about this  
23 particular -- You didn't get any facts yourself about the  
24 phones in this case, you were just testifying in general;  
25 is that what you're telling me?

17

1 A I was subpoenaed to be deposed prior to that  
2 trial by defense counsel, Mr. Swanson and Mr. Schwartz.  
3 When I got there I explained to them I had no idea why  
4 they were calling me, and they said, "Here, we got all  
5 these phone things for you," and they threw them out in  
6 front of me, and I told them, "This isn't my work, I  
7 didn't do any of this." And they said, "Well, Ryan  
8 McCarrick said you were the expert, we need an  
9 explanation, we don't understand this," and they asked,  
10 "Would you mind explaining these to us?" I said, "Sure, I  
11 can explain to you what you have, but I can't -- I didn't  
12 do it, it wasn't my work product." So that's what I got  
13 asked about in the trial.  
14 Q I understand. And, in fact, when you examined  
15 all that documentation, you concluded that there had been  
16 a call to Russ Faria's phone at 9:57 p.m. the night of the  
17 murder; does that ring a bell?  
18 A I'd have to see the records to tell you exactly  
19 anything like that.  
20 Q I don't have any more questions, sir. Now  
21 what's going to happen is that the others attorneys have a  
22 chance to ask you questions.  
23 A Okay.  
24 MS. BATES: I have no questions.  
25 MR. PLEBAN: Nothing.

18

1 CROSS-EXAMINATION  
2 QUESTIONS BY MR. HEIGELE:  
3 Q Is it Detective Lang or is it -- oh, it's  
4 Undersheriff Lang, I'm sorry.  
5 A Doesn't matter.  
6 Q Sheriff Lang, my name's Chris Heigele, you  
7 understand we met earlier today prior to your deposition,  
8 and I represent Prosecutor Askey?  
9 A Yes.  
10 Q During the Major Case Squad call-out or at any  
11 time, has Prosecutor Askey given you any specific  
12 instructions to do anything in the case?  
13 A No.  
14 Q No further questions. Thank you, sir.  
15 MR. HAMILL: I have nothing.  
16 THE WITNESS: Okay.  
17 MR. SCHOCK: We have no further questions. Sir,  
18 have you been deposed before?  
19 THE WITNESS: Yes, I have.  
20 MR. SCHOCK: Do you remember how at the end you  
21 get asked whether you want to waive your signature or you  
22 want to read it and check it and sign it?  
23 THE WITNESS: Yes, sir.  
24 MR. SCHOCK: Do you have a choice on that today?  
25 THE WITNESS: I'd prefer to read it and sign it,

19

1 please.  
2 MR. SCHOCK: Okay. Right after this concludes,  
3 which will be in about ten seconds, will you make  
4 arrangements with Tina to accomplish that?  
5 THE WITNESS: Absolutely.  
6 MR. SCHOCK: Thank you very much. That  
7 concludes the deposition.

8 \*\*\*\*\*

20

1 NOTARIAL CERTIFICATE

2

3 STATE OF MISSOURI )

4 ) SS

5 COUNTY OF ST. CHARLES )

6 I, CHRISTINE A. LePAGE, a Certified Court

7 Reporter and a duly commissioned Notary Public within and

8 for the State of Missouri, do hereby certify that there

9 came before me at the offices of Barklage, Brett & Hamill,

10

11 MICHAEL CHRISTOPHER LANG,

12 who was by me first duly sworn to testify to the truth and

13 nothing but the truth of all knowledge touching and

14 concerning the matters in controversy in this cause; that

15 the witness was thereupon carefully examined under oath

16 and said examination was reduced to writing by me; that

17 the signature of the witness was expressly not waived, and

18 that this deposition is a true and correct record of the

19 testimony given by the witness.

20 I further certify that I am neither attorney nor

21 counsel for, nor related nor employed by any of the

22 parties to the action in which this deposition is taken;

23 further, that I am not a relative or employee of any

24 attorney or counsel employed by the parties hereto or

25 financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand

and seal this 22nd day of November, 2017.

My Commission expires March 2, 2019.

Notary Public

21

COURT REPORTING ASSOCIATES  
P.O. Box 440014  
St. Louis, Missouri 63144  
(314) 961-6306  
(314) 265-4602

November 22, 2017

Mr. Michael Christopher Lang  
mlang@losomo.com

RE: Russell Scott Faria vs. Sergeant Ryan J. McCarriok,  
et al.  
Video Deposition of Michael Christopher Lang

Dear Mr. Lang,

Attached is your copy of the deposition in the above-  
styled case as well as errata sheets and an original  
signature page. Please read your deposition and enter any  
corrections that you believe are necessary on the attached  
errata sheets. After you have completed this, sign the  
original signature page (Page 25) and errata sheet(s)  
before a Notary Public.

Please return the errata sheet(s) and the original  
signature page to W. Bevis Schock, Esq., 7777 Bonhomme  
Avenue, Suite 1300, St. Louis, Missouri 63105. Receipt of  
these documents is requested before December 22, 2017.

If you have any questions, please feel free to call.  
Thanks for your cooperation in this matter.

Sincerely,

Christine A. LePage  
RPR, CCR-MO, CSR-IL

attachments

MICHAEL CHRISTOPHER LANG  
NAME OF WITNESS

DEPOSITION CORRECTION SHEET

In Re: Russell Scott Faria vs. Sergeant Ryan J.  
McCarriok, et al.

Upon reading the deposition and before subscribing  
thereto, the deponent indicated the following changes  
should be made:

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Deponent  
(Please sign)

23

MICHAEL CHRISTOPHER LANG  
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Deponent  
(Please sign)

24

\_\_\_\_\_  
MICHAEL CHRISTOPHER LANG

Subscribed and sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_.

My Commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

25



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anybody [2] 8/11 8/13	Brett [3] 2/16 3/22 21/7
anything [8] 8/3 11/15 12/10	brief [1] 16/5
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asked [5] 11/14 14/21 18/9	call-outs [1] 9/19
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asking [1] 14/20	15/24 16/5 16/21 17/5 18/11
aspects [1] 13/19	can't [2] 14/2 18/11
assigned [18] 9/10 10/11	capacity [1] 8/2
10/13 11/8 12/25 14/25 15/5	captain [2] 6/13 6/15
17/14 23/9 23/12 23/15 23/18	carefully [1] 21/10
23/21 24/9 24/12 24/15 24/18	case [29]
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assigning [1] 11/2	CCR [2] 1/22 22/21
assignment [1] 10/10	CCR-MO [1] 22/21
assigns [1] 11/1	Callebrite [1] 17/16
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